

立法會
Legislative Council

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**Special Report of the Select Committee to inquire into the handling of
the Severe Acute Respiratory Syndrome outbreak by
the Government and the Hospital Authority**

Unauthorized Disclosure of Information

Introduction

This Select Committee was appointed by resolution of the Legislative Council on 29 October 2003 to inquire into the handling of the SARS outbreak by the Government and the Hospital Authority (HA) in order to examine the performance and accountability of the Government and HA and their officers at policy-making and management levels in that regard. This Select Committee has also been authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance.

2. The Select Committee held its first public hearing on 13 December 2003 and has been obtaining evidence in the past several months for the purpose of its inquiry.

Press reports

3. Two Chinese newspapers carried the reports in **Appendices I and II** on 5 May 2004 alleging that the Select Committee had reached preliminary conclusions that the persons named in the press reports had not taken appropriate actions during the SARS outbreak in Hong Kong in 2003 and should be held responsible for such actions.

4. The Select Committee cannot comment on the accuracy of the reports as it was still in the course of examining the evidence obtained and had not drawn any firm conclusions at the time the press reports were published. However, the Select Committee takes a serious view of the reports because first, the information mentioned in the two reports is purportedly related to the contents of the papers and internal deliberation of the Select Committee. Second, the

publication of such information might cause unnecessary anxiety and inconvenience to the people mentioned in the press reports and is unfair and disrespectful to them. Third, such publication was also unfair to the Select Committee as the integrity of the Select Committee might be called into question not only by the relevant parties, but also by the public.

Investigation

5. The Select Committee decided to launch an investigation to find out if any members of the Select Committee, any of their assistants, any staff members of the Legislative Council Secretariat and any employees of PCCW Limited (Secretariat's contractor employed to tape-record proceedings of the meetings of the Council and its committees) had disclosed information relating to the contents of the papers and internal deliberation of the Select Committee to any persons who had no lawful authority to obtain such information. After detailed deliberation, the Select Committee agreed that -

- (a) The Chairman and the Deputy Chairman together would interview members of the Select Committee individually in order to ask them whether they had disclosed, by whatever means of communication, information relating to the contents of the papers and internal deliberation of the Select Committee to any persons who had no lawful authority to obtain such information. They would also be requested to sign a statement declaring that they had not so disclosed the information (specimen of statement in **Appendix III**). The Chairman and the Deputy Chairman would also put the same question to each other and ask each other to sign the statement;
- (b) Members of the Select Committee would ask their respective assistants the same question. A statement similar to that signed by them would be signed by individual assistants. Alternatively, members might sign the statement on behalf of their respective assistants collectively (specimens of statements in **Appendices IV and V**); and
- (c) The Deputy Secretary General (DSG) of the Legislative Council Secretariat would ask staff members of the Secretariat and employees of PCCW Limited who had handled papers of the Select Committee and/or been in attendance at closed-door meetings of the Select Committee the same question and report to the Chairman.

6. The Chairman and the Deputy Chairman interviewed all the members of the Select Committee on 14 May and 15 May 2004 and put the question set out in paragraph 5(a) above to them. All members have declared that they have

not disclosed any information relating to the contents of the papers and internal deliberation of the Select Committee to any persons who have no lawful authority to obtain such information and signed the relevant statement. Both the Chairman and the Deputy Chairman have also declared that they have not disclosed any such information and signed the statement.

7. According to the declarations relating to the members' assistants, they have not disclosed any such information to any persons who have no lawful authority to obtain it.

8. DSG has interviewed all the 29 persons concerned. All of them have declared that they have not disclosed such information to any persons who have no lawful authority to obtain such information. DSG has also declared the same.

Previous unauthorized disclosures

9. The Select Committee wishes to point out that prior to the publication of the reports in **Appendices I and II**, some of the contents of papers and internal deliberation of the Select Committee were published prematurely. In the light of these publications, the Chairman had drawn the attention of members of the Select Committee to the "Practice and procedure" of the Select Committee as set out in SC2 Paper No : L3 and had advised members on the need to refrain from disclosing any information relating to the work of the Select Committee to unauthorized persons before the report of the Select Committee was published.

Conclusion

10. Members of the Select Committee should adhere to the principle that the Select Committee's proceedings are not only fair but also seen to be fair, especially to those whose interests or reputations may be affected by these proceedings. The disclosure of information without lawful authority, particularly in the context of this case, is against this principle. The Select Committee takes full responsibility for any unauthorized disclosures of information and will try its very best to prevent their recurrence. The Chairman wishes to apologize on behalf of the Select Committee to the Legislative Council and to all persons who might have been adversely affected.

立會沙士報告評威院功過

沈祖堯被轟 處理不當

人為
出錯

立法會調查沙士的報告下月底出籠，專責委員會對率先爆發疫症的威爾斯親王醫院已有初步定奪。據了解，被譽為沙士英雄的前威院內科及藥物治療部門主管沈祖堯，被指錯誤重開8A病房，令淘大花園的源頭病人入住8A後感染沙士；而醫院管理局高層亦因要迴避「社會震盪」而延遲關閉急症室。

本報記者報道

措施對社會帶來的震盪，直至威院「群情洶湧」時方作出有關決定，是不恰當及漠視員工感受的表現。

委員會質疑陳馮富珍

前衛生署署長陳馮富珍雖然在去年3月26日提出修改《檢疫及防疫條例》，將沙士列入須呈報疾病之一，但委員會質疑陳太應在更早之前，當新加坡已作出修例時便意識到有此需要。

調查沙士的專責委員會正準備調查報告，擬定初稿後向有關人士索取最後回應，並對沙士疫症中部分人士作獨立評價。

衛署無跟進源頭病人

據本報得悉，委員會對威院員工整體表現感到滿意，並指出他們已盡力應付疫症，但認為沈祖堯對最先爆發疫症的8A病房處理不當，在去年3月10日關閉病房後，未弄清楚情況時便於13日即重開病房及接收新症，導致淘大花園的源頭病人有機會入住該病房，受感染後將疫症擴散至E座。

而衛生署因人手不足及追查工作混亂，未有詳細跟進源頭病人，未能及時減輕淘大疫情的

嚴重性。

另外，前威院微生物顧問及新界東醫院聯網感染控制主任黎安義的措施有問題，黎帶領的防感染控制小組，處理8A病人時將病房劃分為「前、後街」，以分隔低、高危病人，但有8A病房護士長在作供時指出，實際上難以避免醫護「過街」照顧有需要病人，而「前、後街」的病人亦要共用廁所。

延遲關閉急症室失當

醫管局直至3月18日才關閉威院急症室，委員會認為該局高層包括當時的專業及公共事務總監高水文及行政總監何兆輝，雖已獲威院行政總監馮康等人建議關閉急症室，但因顧慮到



立法會調查沙士的報告初步定奪，指沈祖堯錯誤重開8A病房。(資料圖片)

SARS報告將點名責沈祖堯



立法會SARS專責委員會準備點名批評SARS抗疫英雄、中大內科及藥物治療學系系主任沈祖堯，因為委員會認定他要為「威爾斯醫院8A病房重開及關閉」、「8A病房防感染不周」和「讓播毒腎病人出院，令病毒在淘大蔓延擴散」等，負上責任（held responsible for the consequences）。明報記者

委員會昨日就撰寫SARS聆訊報告草稿展開第二輪審議。委員會撰寫報告後，會在本月中將報告交回當事人省覽，後者可就委員會結論作出申辯。

重開8A 讓播毒者出院

委員會在評估抗疫英雄沈祖堯的抗疫表現時「有面界」，指沈作為威院內科主任管，同意讓8A病房在去年3月

10日關閉後，在翌日及19日重開，並重新收病人，致令一名播毒腎病病人在15日收入8A病房時感染SARS。該病人其後出院，並在淘大播毒，致病毒蔓延多人染病及死亡，故委員會認為沈要對未能有效控制8A病房的疫症蔓延，及引致的連串後果負責。

報告草稿又對有多年防治傳染病經驗的前衛生署長陳馮富珍（下稱陳太

），在爆發初期缺乏遠見，沒及時作出防疫反應表示「驚訝」。

斥陳馮富珍太自信

委員會指陳太自信心「爆棚」，沒有接受中大醫學院院長鍾尚志的建議，盡早採取隔離措施，以及盡早作病源接觸追蹤，令疫症在社區蔓延。

衛生防護中心總監梁栢賢作供時曾透露，陳太在疫症初期不肯派官員到淘大了解疫情，委員會因此認為她「抗疫反應不足」。

委員會亦不信納陳太作供指修改防疫法例需時的辯解，委員會認為她在衛生署工作多年，沒有理由不知道法例賦予她有權修例，隔離傳染病人。

批黎安義控制防感染欠佳

另一名會被點名批評的醫生，是威

院主管感染控制的黎安義，委員會指他在疫症爆發後，沒有主動向醫管局高級行政經理劉少懷求助。委員會又認為黎在控制8A病房的防感染措施做得不好，如將所有SARS病徵的病人集中在8A，並只將病房劃分為「前、後街」，分隔高危和低危病人，結果令未染病的病人與源頭病人同住一房，令7人交叉感染，其中1人最終發病。黎安義在1月向委員會作證後，已向醫管局請辭。

指謝麗賢「不稱職」

此外，委員會亦準備批評衛生署顧問醫生謝麗賢向內地衛生部官員查詢當地疫情時，函件以英文撰寫。委員會直指她「不稱職」，因認為用英文寫信可能妨礙與內地官員溝通，建議她應以中英文致函內地官員。

Declaration

I, _____, Member of the Legislative Council, solemnly and sincerely declare that in relation to the contents of two newspaper reports shown in Annex 1 and Annex 2, I have not, by any means of communication, produced, disclosed or confirmed to any person who does not have lawful authority for obtaining such contents, the contents of documents or deliberations which are claimed or implied in those reports to have been handled or taken place at the closed meetings held by the Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority (Select Committee) on or before 4 May 2004.

And I make this solemn declaration conscientiously believing the same to be true.

Member

Declared on the _____ day of _____, 2004 in Hong Kong

Before us,

Dr LAW Chi-kwong, JP
Chairman of the Select Committee

Mrs Sophie LEUNG
LAU Yau-fun, SBS, JP
Deputy Chairman of the
Select Committee

Declaration

I, _____, Assistant to _____, Member of the Legislative Council, solemnly and sincerely declare that in relation to the contents of two newspaper reports shown in Annex 1 and Annex 2, I have not, by any means of communication, produced, disclosed or confirmed to any person who does not have lawful authority for obtaining such contents, the contents of documents or deliberations which are claimed or implied in those reports to have been handled or taken place at the closed meetings held by the Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority (Select Committee) on or before 4 May 2004.

And I make this solemn declaration conscientiously believing the same to be true.

Assistant to Member

Declared on the day of , 2004 in Hong Kong

Before me,

Member of the Legislative Council

Declaration

I, _____, Member of the Legislative Council, solemnly and sincerely declare that in relation to the contents of two newspaper reports shown in Annex 1 and Annex 2, neither I nor my Assistants listed below have, by any means of communication, produced, disclosed or confirmed to any person who does not have lawful authority for obtaining such contents, the contents of documents or deliberations which are claimed or implied in those reports to have been handled or taken place at the closed meetings held by the Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority (Select Committee) on or before 4 May 2004.

And I make this solemn declaration conscientiously believing the same to be true.

Member

(my Assistants)

Declared on the day of , 2004 in Hong Kong

Before us,

Dr LAW Chi-kwong, JP
Chairman of the Select Committee

Mrs Sophie LEUNG
LAU Yau-fun, SBS, JP
Deputy Chairman of the
Select Committee